

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHELSEA LONG,)	3:19-CV-0652-LRH-CLB
)	
Plaintiff,)	<u>MINUTE ORDER</u>
)	
vs.)	January 21, 2020
)	
DIAMOND DOLLS OF NEVADA,)	
LLC, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff Chelsea Long (“Long”) moved for leave to serve Defendant Clifton Kyle Smith (“Smith”) (ECF No. 15). Long asserts that pursuant to Federal Rule of Civil Procedure 4(e), an individual may be served “following state law for serving a summons in an action brought in the courts of general jurisdiction.” (*Id.* at p. 2). She then claims that the court has authority to grant the request to serve Smith by publication pursuant to Nevada Rule of Civil Procedure 4(e)(iii).

First, there is no Nevada Rule of Civil Procedure 4(e)(iii). Rather, under the Nevada Rule of Civil Procedure 4(e), four subparts exist – (1) through (4) and none relate to service by publication. Rather, each of these subparts deal with the timing required for serving a summons and to requests for extensions of time to effectuate service. Moreover, Long’s motion fails to provide any of the information required to be included in a motion to serve a defendant by publication under the Nevada Rules except for providing information related to the prior service attempts. See NRCP 4.4(c)(2) (defining specific information that must be including in a motion requesting service by publication).

Accordingly, Long’s motion is **GRANTED in part** and **DENIED in part** (ECF No. 15). To the extent that Long’s motion seeks an extension of time to serve Smith, the court grants the extension of time to serve Smith by 120-days from the date of the entry of this order. However, to the extent Long requests leave to serve Smith by publication, the court

denies that aspect of the motion without prejudice to refile the motion in compliance with NRCP 4.4(c). Plaintiff shall also file a proposed order with any refiled motion for publication.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

By: /s/
Deputy Clerk